IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

2025:PHHC:162281

CRM-M-59021-2025

Satnam Singh

….Petitioner

versus

State of Punjab and another

….Respondents

Reserved on: **November 07, 2025**
Date of decision/pronouncement: **November 20, 2025**
Date of Uploading: **November 20, 2025**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Kamaldip Singh Sidhu, Advocate for the petitioner.

Mr. Amit Kumar Goyal, Additional AG Punjab.

Ms. Kirandeep Kaur, Advocate for respondent No.2.

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SUMEET GOEL, J. (ORAL)

The present petition has been preferred by the accused under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of the FIR No.48 dated 09.06.2022 (hereinafter to be referred as the '*impugned FIR*'), registered under Sections 304-A & 279 of the Indian Penal Code, 1860, at Police Station Ajitwal, District Moga, as also the proceedings subsequent thereto, including the judgment of conviction dated 04.04.2024 (Annexure P-2) passed in case No.CHI/282/2022 titled as "*State versus Satnam Singh*" by the learned Judicial Magistrate Ist Class, Moga (hereinafter referred to as '*JMIC*'), on the basis of a compromise deed dated 07.04.2024 (copy whereof is appended as Annexure P-4 with the present petition).

2. The gravamen of the *impugned FIR* is that complainant, namely, Harbhajan Singh, son of Gurmail Singh, stated that on 08.06.2022 at about 6:00 p.m., his son, namely, Gurjit Singh, along with Ashpreet Singh (son of Swaran Singh, resident of village Chuhar Chak), was travelling on a motorcycle bearing registration No.PB29-AC-6834 (Platina) from village Buttar towards Takhanvadh. The complainant was following them on his own motorcycle bearing registration No.PB29N-1761 (Platina). When the motorcycle of his son and Ashpreet Singh reached near the house of Jagdeep Singh, son of Nahar Singh, resident of village Takhanvadh, a JCB machine bearing registration No.PB29X-4981 approached from the direction of Takhanvadh at high speed, being driven rashly and negligently by Satnam Singh, petitioner herein, (whose identity the complainant learnt after the incident), son of Balwinder Singh, resident of Takhanvadh. The JCB struck the motorcycle, causing serious injuries to Gurjit Singh and Ashpreet Singh. Gurjit Singh sustained a head injury. People gathered at the spot, and the complainant arranged a vehicle to take his injured son to Civil Hospital, Moga. However, Gurjit Singh succumbed to his injuries on the way. Ashpreet Singh was admitted to Civil Hospital, village Dhudike. Based on these set of allegations, the *impugned FIR* was registered.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated into the *impugned FIR*. Learned counsel has further submitted that a compromise has been entered into between the petitioner and the FIR-complainant (father of the deceased) on 07.04.2024, relevant whereof reads as under:

> **"***I, Harbhajan Singh, Aadhar No.858259264437 son of Gurmail Singh son of Sampuran Singh resident of Dhudike (First Party)*
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> *Balwinder Singh, Aadhar No._ son of Gurcharan Singh son of Inder Singh resident of Takhanwad, District Moga. About 2 years ago, Harbhajan Singh's son Gurjit Singh had an accident with Balwinder Singh's Hydra*

> *Crane, which was driven by Balwinder Singh's son Satnam Singh. Gurjit Singh has been died. Harbhajan Singh has filed cases against Balwinder Singh & Satnam Singh, in one of which Satnam Singh has been convicted and against Balwinder Singh, a claim case is pending in the High Court. Today dated 07.04.2024, both the parties have been affected compromise in the presence of respectable persons namely Jasdip Singh @ Garry, Jagtar Singh Dhaliwal and Chamkaur Singh Kamrade. Second party Balwinder Singh will be pay an amount of Rs.13,00,000/- to those three respectable persons upto dated 14.04.2024 and Harbhajan Singh will be bound to give the statement to a lawyers in the Hon'ble Courts wherever it is required to do so. Balwinder Singh will bear the expense of the lawyers in the case. Compromise has written, which can useful. Dated 07.04.2024.***"***

Learned counsel has, thus, iterated that the *impugned FIR* which was registered on account of a misunderstanding has since been resolved between the parties and in order to keep peace as also harmony, the parties do not wish to continue the proceedings, including the *impugned FIR*, against each other. Learned counsel has further urged that no useful purpose would likely be served by allowing the criminal prosecution to continue against the petitioner. Thus, it has been iterated that the petition in hand be allowed.

4. Learned State counsel has submitted that the charge-sheet (challan) was rightly put up against the petitioner and he has since been convicted by the learned JMIC vide judgment dated 04.04.2024, which is based on evidence brought forth and thus, the petition in hand deserves to be dismissed. Learned State counsel: has submitted that in a case pertaining to an offence under Section 304-A of the IPC, the deceased individual is the real *victim* and hence any compromise or settlement reached with the family members or legal heirs of the deceased *victim,* cannot operate to absolve the offender, nor should it be construed as a mitigating factor, *sufficient,* to warrant the quashing of such an FIR, on the basis of compromise. Learned State counsel has placed reliance upon the *dicta* passed by the Hon'ble Supreme Court in ***Daxaben Vs. State of Gujarat & Others, (2022) AIR Supreme Court 3530,*** and conceded that while the said

dicta pertains to an offence under Section 306 of the IPC, however, by way of corollary, the underlying principle as laid down in ***Daxaben*** (supra) will be extended and applied analogously to an offence under Section 304-A of the IPC, also. Furthermore, relying upon the *dicta,* passed by a Division bench of this Hon'ble Court passed in ***CRM-M-40769-2024,*** titled as ***Baldev Singh Vs. State of Punjab and another,*** decided on 02.06.2016, it has been submitted by the learned State counsel that given the gravity and fatal consequences inherent in an offence under Section 304-A of the IPC, the same cannot be classified as one that is merely private in nature. Concluding his submissions, the learned State counsel has submitted that quashing an FIR pertaining to an offence under Section 304-A of the IPC, on the basis of compromise/settlement is not in consonance with the settled jurisprudence governing the domain of quashing criminal proceedings on the basis of compromise/settlement.

5. Learned counsel for respondent No.2/ complainant has ratified the compromise having been effected between the parties and submit that respondent No.2/ complainant has no objection, in case, the *impugned FIR* including the judgment of conviction dated 04.04.2024 passed by learned JMIC, are quashed.

6. I have heard learned counsel for the parties and have perused the record.

Prime Issue

7. The issue that arises for consideration in the present petition is as to whether the *impugned FIR* registered under Sections 304-A & 279 of the IPC and proceedings arising therefrom, including the judgment of conviction dated 04.04.2024 passed by learned JMIC, deserve to be quashed.

The seminal legal issue that arises for consideration is as to whether an FIR (as also proceedings emanating therefrom) under Section 304-A of IPC/Section 106 of the Bharatiya Nyaya Sanhita, 2023 can be quashed on the basis of compromise/settlement.

8. **Relevant Statutory Provisions**

The Indian Penal Code, 1860 (hereinafter to be referred as 'IPC')

Section 304-A of the IPC reads as under:

> ***"304A. Causing death by negligence.--****Whoever causes the death of any person by doing any rash or negligent act not amounting to culpable homicide, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both."*

The Code of Criminal Procedure, 1973 (hereinafter to be referred as 'the Cr. P.C.')

Section 482 of Cr. P.C., reads as under:

> **"*482. Saving of inherent power of High Court* –** *Nothing in this Code shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under this Code, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice.*"

The Bharatiya Nyaya Sanhita, 2023 (hereinafter to be referred as BNS, 2023)

Section 106 of BNS, 2023 reads as under:

> **"*106. Causing death by negligence****.—(1) Whoever causes death of any person by doing any rash or negligent act not amounting to culpable homicide, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine; and if such act is done by a registered medical practitioner while performing medical procedure, he shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine.*"

The Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as BNSS, 2023)

Section of the BNSS, 2023 reads as under:

> **"*528. Saving of inherent powers of High Court* –** *Nothing in this Sanhita shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under this Sanhita, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice.*"**

Relevant Case Law

9. The precedents, *apropos* to the matter(s) in issue, are as follows:

I. Re: Powers of the High Court under Section 482 of Cr. P.C., vis-a-vis., quashing of the FIR/criminal proceedings on the basis of compromise

(i) In a judgment titled as ***Gian Singh vs. State of Punjab and another, 2012 (10) SCC 303*** a three Judge Bench of the Hon'ble Supreme Court has held as under:

> "*48. The question is with regard to the inherent power of the High Court in quashing the criminal proceedings against an offender who has settled his dispute with the victim of the crime but the crime in which he is allegedly involved is not compoundable under Section 320 of the Code.*
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> *57. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and pre-dominatingly civil flavour stand on different footing for the purposes of quashing, particularly the offences*

*arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.***"***

(ii) In a judgment titled as ***Narinder Singh vs. State of Punjab, 2014(6) SCC 466*** , the Hon'ble Supreme Court has held as under:

"*31. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:*

(I) Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution.

(II)When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:

(i) ends of justice, or

(ii) to prevent abuse of the process of any Court. While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.

(III) Such a power is not be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Similarly, for offences alleged to have been committed under special statute like the Prevention of Corruption Act or the offences committed by Public Servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender.

(IV) On the other, those criminal cases having overwhelmingly and pre-dominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.

(V) While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.

(VI) Offences under Section 307 IPC would fall in the category of heinous and serious offences and therefore is to be generally treated as crime against the society and not against the individual alone. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to proving the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delegate parts of the body, nature of weapons used etc. Medical report in respect of injuries suffered by the victim can generally be the guiding factor. On the basis of this prima facie analysis, the High Court can examine as to whether there is a strong possibility of conviction or the chances of conviction are remote and bleak. In the former case it can refuse to accept the settlement and quash the criminal proceedings whereas in the later case it would be permissible for the High Court to accept the plea compounding the offence based on complete settlement between the parties. At this stage, the Court can also be swayed by the fact that the settlement between the parties is going to result in harmony between them which may improve their future relationship.

(VII) While deciding whether to exercise its power under Section 482 of the Code or not, timings of settlement play a crucial role. Those cases where the settlement is arrived at immediately after the alleged commission of offence and the matter is still under investigation, the High Court may be liberal in accepting the settlement to quash the criminal proceedings/investigation. It is because of the reason that at this stage the investigation is still on and even the charge sheet has not been filed. Likewise, those cases where the charge is framed but the evidence is yet to start or the evidence is still at infancy stage, the High Court can show benevolence in exercising its powers favourably, but after prima facie assessment of the circumstances/material mentioned above. On the other hand, where the prosecution evidence is almost complete or after the conclusion of the evidence the matter is at the stage of argument, normally the High Court should refrain from exercising its power under Section 482 of the Code, as in such cases the trial court would be in a position to decide the case finally on merits and to come a conclusion as to whether the offence under Section 307 IPC is committed or not. Similarly, in those cases where the conviction is already recorded by the trial court and the matter is at the appellate stage before the High Court, mere compromise between the parties would not be a ground to accept the same resulting in acquittal of the offender who has already been convicted by the trial court. Here charge is proved under Section 307 IPC and conviction is already recorded of a heinous crime and, therefore, there is no question of sparing a convict found guilty of such a crime."

(iii) In a judgment titled as ***Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and Ors. Vs. State of Gujarat and anr. AIR 2017***

SUPREME COURT 4843, a three Judge Bench of the Hon'ble Supreme Court has held as under:

> **"***15 The broad principles which emerge from the precedents on the subject, may be summarised in the following propositions :*
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> *(i) Section 482 preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court;*
>
> *(ii) The invocation of the jurisdiction of the High Court to quash a First Information Report or a criminal proceeding on the ground that a settlement has been arrived at between the offender and the victim is not the same as the invocation of jurisdiction for the purpose of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of Section 320 of the Code of Criminal Procedure, 1973. The power to quash under Section 482 is attracted even if the offence is non-compoundable.*
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> *(iii) In forming an opinion whether a criminal proceeding or complaint should be quashed in exercise of its jurisdiction under Section 482, the High Court must evaluate whether the ends of justice would justify the exercise of the inherent power;*
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> *(iv) While the inherent power of the High Court has a wide ambit and plenitude it has to be exercised; (i) to secure the ends of justice or (ii) to prevent an abuse of the process of any court;*
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> *(v) The decision as to whether a complaint or First Information Report should be quashed on the ground that the offender and victim have settled the dispute, revolves ultimately on the facts and circumstances of each case and no exhaustive elaboration of principles can be formulated;*
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> *(vi) In the exercise of the power under Section 482 and while dealing with a plea that the dispute has been settled, the High Court must have due regard to the nature and gravity of the offence. Heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot appropriately be quashed though the victim or the family of the victim have settled the dispute. Such offences are, truly speaking, not private in nature but have a serious impact upon society. The decision to continue with the trial in such cases is founded on the overriding element of public interest in punishing persons for serious offences;*
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> *(vii) As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing in so far as the exercise of the inherent power to quash is concerned;*
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> *(viii) Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute;*
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> *(ix) In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice; and*
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> *(x) There is yet an exception to the principle set out in propositions (viii) and (ix) above. Economic offences involving the financial and economic well-being of the state have implications which lie beyond the domain of a mere dispute between private disputants. The High Court would be justified in declining to quash where the offender is involved in an activity akin to a financial or economic fraud or misdemeanour. The*

*consequences of the act complained of upon the financial or economic system will weigh in the balance.***"**

(iv) In a judgment titled as ***State of Madhya Pradesh vs. Laxmi Narayan and others AIR 2019 SUPREME COURT 1296,*** a three Judge Bench of the Hon'ble Supreme Court has held as under:

"*13. Considering the law on the point and the other decisions of this Court on the point, referred to hereinabove, it is observed and held as under:*

i) that the power conferred under Section 482 of the Code to quash the criminal proceedings for the non-compoundable offences under Section 320 of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;

ii) such power is not to be exercised in those prosecutions which involved heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society;

iii) similarly, such power is not to be exercised for the offences under the special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender;

iv) offences under Section 307 IPC and the Arms Act etc. would fall in the category of heinous and serious offences and therefore are to be treated as crime against the society and not against the individual alone, and therefore, the criminal proceedings for the offence under Section 307 IPC and/or the Arms Act etc. which have a serious impact on the society cannot be quashed in exercise of powers under Section 482 of the Code, on the ground that the parties have resolved their entire dispute amongst themselves. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to framing the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delegate parts of the body, nature of weapons used etc. However, such an exercise by the High Court would be permissible only after the evidence is collected after investigation and the charge sheet is filed/charge is framed and/or during the trial. Such exercise is not permissible when the matter is still under investigation. Therefore, the ultimate conclusion in paragraphs 29.6 and 29.7 of the decision of this Court in the case of Narinder Singh (supra) should be read harmoniously and to be read as a whole and in the circumstances stated hereinabove;

v) while exercising the power under Section 482 of the Code to quash the criminal proceedings in respect of non-compoundable offences, which are private in nature and do not have a serious impart on society, on the ground that there is a settlement/compromise between the victim and the

offender, the High Court is required to consider the antecedents of the accused; the conduct of the accused, namely, whether the accused was absconding and why he was absconding, how he had managed with the complainant to enter into a compromise etc."

II. *Re: Powers of the High Court under Section 482 of Cr. P.C. to quash FIR under Section 304-A of the IPC on the basis of compromise*

In a Division Bench judgment titled as ***Baldev Singh versus State of Punjab & another, decided on 02.06.2016 in CRM-M-40769-2014***, this Court held as under:

"*The question formulated for consideration of a larger Bench was whether the crime registered under Section 304-A IPC can be quashed on the basis of compromise arrived at by the legal heir/legal representative of the victim/deceased with the offender.*

XX XX XX

Whether the crime registered under Section 304-A IPC can be quashed on the basis of compromise arrived at by the legal heirs/legal representatives of the victim (deceased) with the offender.

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In the facts and circumstances of the case it would indeed be paradoxical and incorrect to hold that the offence under Section 304-A is private in nature. Its serious impact on society is not subject to understatement. When a person or persons lose their life/lives due to the rash and negligent act of the accused, the question of mens rea or intention in such a situation pales into insignificance. The wrong cannot be termed to be private or personal in nature like offences arising out of matrimony, relating to dowry etc., family disputes or criminal cases having overwhelmingly and predominantly a civil flavour like commercial, financial, mercantile, civil or partnership matters.

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Reference is thus answered in the negative as there can be no quashing of an offence registered under Section 304-A and subsequent proceedings, solely on the basis of a compromise arrived at between the legal heirs/representatives of the victim (deceased) and the accused."

III. *Re: Powers of the High Court under Section 482 of Cr. P.C. to quash FIR under Section 306 of IPC*

"(i) In a judgment titled as ***Daxaben vs. State of Gujarat & Ors.,2022 AIR Supreme Court 3530,*** the Hon'ble Supreme Court has held as under:-

"25. The only question in this appeal is whether the Criminal Miscellaneous Applications filed by the accused under Section 482 of the Cr.P.C. could have been allowed and an FIR under Section 306 of the IPC for abetment to commit suicide, entailing punishment of imprisonment of ten years, could have been quashed on the basis of a settlement between the complainant and the accused named in the FIR. The answer to the aforesaid question cannot, but be in the negative.

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37. Offence under Section 306 of the IPC of abetment to commit suicide is a grave, non-compoundable offence. Of course, the inherent power of the High Court under Section 482 of the Cr.P.C. is wide and can even be exercised to quash criminal proceedings relating to non-compoundable offences, to secure the ends of justice or to prevent abuse of the process of Court. Where the victim and offender have compromised disputes essentially civil and personal in nature, the High Court can exercise its power under Section 482 of the CrPC to quash the criminal proceedings. In what cases power to quash an FIR or a criminal complaint or criminal proceedings upon compromise can be exercised, would depend on the facts and circumstances of the case.

38. However, before exercising its power under Section 482 of the Cr.P.C. to quash an FIR, criminal complaint and/or criminal proceedings, the High Court, as observed above, has to be circumspect and have due regard to the nature and gravity of the offence. Heinous or serious crimes, which are not private in nature and have a serious impact on society cannot be quashed on the basis of a compromise between the offender and the complainant and/or the victim. Crimes like murder, rape, burglary, dacoity and even abetment to commit suicide are neither private nor civil in nature. Such crimes are against the society. In no circumstances can prosecution be quashed on compromise, when the offence is serious and grave and falls within the ambit of crime against society.

39. Orders quashing FIRs and/or complaints relating to grave and serious offences only on basis of an agreement with the complainant, would set a dangerous precedent, where complaints would be lodged for oblique reasons, with a view to extract money from the accused. Furthermore, financially strong offenders would go scot free, even in cases of grave and serious offences such as murder, rape, bride- burning, etc. by buying off informants/complainants and settling with them. This would render otiose provisions such as Sections 306, 498- A, 304-B etc. incorporated in the IPC as a deterrent, with a specific social purpose.

40. In Criminal Jurisprudence, the position of the complainant is only that of the informant. Once an FIR and/or criminal complaint is lodged and a criminal case is started by the State, it becomes a matter between the State and the accused. The State has a duty to ensure that law and order is maintained in society. It is for the state to prosecute offenders. In case of grave and serious non- compoundable offences which impact society, the informant and/or complainant only has the right of hearing, to the extent of ensuring that justice is done by conviction and punishment of the offender. An informant has no right in law to withdraw the complaint of a non- compoundable offence of a grave, serious and/or heinous nature, which impacts society.

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> *50. In our considered opinion, the Criminal Proceeding cannot be nipped in the bud by exercise of jurisdiction under Section 482 of the Cr. P.C. only because there is a settlement, in this case a monetary settlement, between the accused and the complainant and other relatives of the deceased to the exclusion of the hapless widow of the deceased. As held by the three-Judge Bench of this Court in Laxmi Narayan & Ors. (supra), Section 307 of the IPC falls in the category of heinous and serious offences and are to be treated as crime against society and not against the individual alone. On a parity of reasoning, offence under section 306 of the IPC would fall in the same category. An FIR under Section 306 of the IPC cannot even be quashed on the basis of any financial settlement with the informant, surviving spouse, parents, children, guardians, care-givers or anyone else. It is clarified that it was not necessary for this Court to examine the question whether the FIR in this case discloses any offence under Section 306 of the IPC, since the High Court, in exercise of its power under Section 482 CrPC, quashed the proceedings on the sole ground that the disputes between the accused and the informant had been compromised.*"

Analysis (*re* law)

10. The conventional view, premised upon the statutory framework, was that criminal offence(s) could be settled only by way of compounding, as per the provisions of Section 320 of the Cr. P.C., 1973 (now Section 359 of BNSS, 2023). In ordinary parlance, "*compounding*" is known as "*compromise"* or *"settlement"*. This expression is ordinarily understood as condoning a felony in exchange for repatriation received by the victim-complainant from the felon. In other words, no compounding/compromise of a criminal offence could be permitted by the Court, except for an offence which met with the rigours of Section 320 of Cr.P.C. Therefore, the question arose whether the High Court, by exercising its plenary/inherent jurisdiction, under Section 482 of Cr.P.C., could quash ongoing FIR/criminal proceedings, on the basis of compromise/settlement having been arrived at between the rival parties, pertaining to the offences which do not fall within the ambit of *'compoundable'*.

10.1. Before proceeding further, it would be *germane* to delve into the nature, scope and ambit of powers of the High Court under Section 482 of Cr. P.C., 1973.

10.2. Inherent powers of the High Court are powers which are incidental replete powers, which if did not so exist, the Court would be obliged to sit still and helplessly see the process of law and Courts being abused for the purposes of injustice. In other words, such power(s) is intrinsic to the High Court, as it is its very life-blood, its very essence, its immanent attribute. Without such power(s), the High Court would have form but lack the substance. These powers of the High Court, hence, deserve to be construed with the widest possible amplitude. These inherent powers are in consonance with the nature of the High Court which ought to be, and has in fact been, invested with power(s) to maintain its authority to prevent the process of law/Courts being obstructed or abused. It is a trite posit of jurisprudence that though laws attempt to deal with all cases that may arise, the infinite variety of circumstances which shape events and the imperfections of language make it impossible to lay down provisions capable of governing every case, which, in fact, arise. The High Court which exists for the furtherance of justice in an indefatigable manner, should therefore, have unfettered power(s) to deal with situations which, though not expressly provided for by the law, need to be dealt with, to prevent injustice or the abuse of the process of law and Courts. The maxim, namely, ***"quando lex aliquid alicui concedit, concedere videtur et id sine quo res ipsa, esse non potest"*** (when the law gives anything to anyone, it also gives all those things without which the thing itself cannot exist) also signifies that the inherent powers of the High Court are all such powers which are necessary to do the right and to undo a wrong in the course of administration of justice. Further, the maxim ***"ex debito justitiae"*** stipulates that such powers are given to do real and substantial justice, for which purpose alone, the High Court exists. Hence, the powers under Section 482 of

Cr. P.C., are aimed at preserving the inherent powers of a High Court to prevent abuse of the process of any Court or to secure the ends of justice. The juridical basis of these plenary power(s) is the authority; in fact the seminal duty and responsibility of the High Court; to uphold, to protect and to fulfil the judicial function of administering justice, in accordance with the law, in a regular, orderly and effective manner. In other words; Section 482 of Cr. P.C. reflects peerless powers, which a High Court may draw upon as necessary, whenever it is just and equitable to do so; in particular, to ensure the observance of the due process of law, to prevent vexation or oppression, to do justice *nay* substantial justice between the parties and to secure the ends of justice.

10.3 The above principle(s), in context of provisions of Section 482 of Cr. P.C, 1973, would apply with complete vigour, to the provisions of Section 528 of BNSS 2023 as well, since there is no alteration in the wording of these two provisions.

11. The Hon'ble Supreme Court in the case of ***Gian Singh*** (supra) has enunciated that the powers of the High Court for quashing of criminal proceedings on the basis of settlement are materially different from compounding of offence in terms of Section 320 of Cr. P.C. (Now Section 359 of BNSS, 2023) *as* a Court while exercising power under Section 320 of Cr. P.C. (Now Section 359 of BNSS, 2023) is circumscribed by the statutory provision *but* the High Court may proceed to quash a criminal offence/criminal proceedings if the ends of justice justify exercise of such power. It was thus held that the criminal cases having overwhelmingly and predominantly civil flavor; offences arising out of matrimonial dispute; offences arising out of family dispute as also offences which are basically private or personal in nature, could

be quashed by the High Court in case the parties have resolved their entire dispute(s). Further, the Hon'ble Supreme Court in the case of ***Narinder Singh*** (supra) has held that the possibility of conviction being remote and bleak, whereas continuation of the criminal case putting the accused to oppression and prejudice & the parties being put to general inconvenience, as also prejudice could be considered as factors by the High Court, while examining a plea for quashing of criminal proceedings on the basis of settlement/compromise. To the same effect is the *dicta* of the judgment of three Judge Bench of the Hon'ble Supreme Court in the case of ***Parbatbhai Aahir*** case (supra). Further, a three Judge Bench of the Hon'ble Supreme Court in a judgment of ***Laxmi Narayan*** case (supra) reiterated the principles laid-down in cases of ***Gian Singh*** (supra)***,*** ***Narinder Singh*** (supra) **and** ***Parbatbhai Aahir*** (supra).

11.1. It is, thus, unequivocal that the plenary powers vested in a High Court, by virtue of its very constitution, are to be exercised with circumspection and in a manner befitting judicial propriety. The invocation of inherent jurisdiction must serve the ends of justice, necessitating a holistic evaluation of all the attendant circumstances. The criminal justice system is not merely a forum for resolving interpersonal disputes; it embodies the sovereign obligation of the State to safeguard the fundamental rights of its citizens, including the protection of life, liberty, and property. In adjudicating petitions seeking quashing of criminal proceedings on the basis of a purported compromise between the parties, the court must transcend the immediate assertions of harmony. While the absence of current grievances between parties may be a material consideration, it cannot be the determinative criterion. The court is duty-bound to scrutinize the gravity of the allegations, the nature of the offences,

and their ramifications on the public order and societal welfare. This judicial responsibility is accentuated in cases involving heinous or egregious offences, where the broader societal interest outweighs private settlements. Compromising such cases on the ground of mutual accord risks undermining the public confidence in the justice delivery system and jeopardizing the larger interest of law enforcement.

11.2. The aureate enunciation of law, by the Hon'ble Supreme Court in above judgments, essentially points out that the prime factors for consideration of quashing of FIR/criminal proceedings on the basis of compromise/settlement is that the dispute/offence is essentially private in nature; continuation of criminal proceeding would be an exercise in futility as its *fate-accompli* is known; pendency of such proceedings would be an undesirable burden on the police/prosecution as also the Courts, which are already struggling hard to manage the ever increasing and unmanageable docket and/or such quashing would ensure the ends of justice.

12. The basic and essential edifice of a plea seeking quashing of FIR/criminal proceedings, on the basis of compromise, is the consent of the *victim*. In other words, the consent on the part of the *victim* for compromise/settlement of FIR/criminal proceedings is *sine-qua-non* for such petition to succeed.

12.1. For an extended period of time, criminal jurisprudence was, by and large, acquisitive, placing the crime and criminal act at its epicenter. The jurists have preoccupied themselves with the rights and safeguards concerning the accused, concomitantly, the *victim,* i.e. the *de facto* and real sufferer whose very misery put the criminal law into motion, remained a forgotten figure. Conscious

of this critical lacunae in the criminal justice administration system, J. Krishna Iyer, rendered the following seminal observation:

> *"It is a weakness of our jurisprudence that the victims of crime, and the distress of the dependents of the prisoner, do not attract the attention of the law. Indeed, victim reparation is still the vanishing point of our criminal law. This is a deficiency, which must be rectified by the legislature."*
>
> *-(J. Krishna Iyer;*
> *Vide (para 9)* ***Rattan Singh Vs. State of Punjab, (1980) AIR Supreme Court 84)***

Until recently, a *victim* was rendered almost entirely passive, relegated to the periphery of judicial process and compelled to remain an outsider, mute spectator, with virtually no substantive role in the prosecution of criminal trial. With the development of *'victimology'* as a distinct and vital domain of jurisprudence, a transformative shift has occurred. Unfolding with the coinage of the term *'victimology'* by Benjamin Mendelsohn in 1947, this evolution reflects a belated acknowledgment of a *victim's* inherent right to participate and have a meaningful voice in the prosecution of a criminal trial. In recognition of this evolving jurisprudence, seminal amendments were introduced to the Cr.P.C., 1973, vide Cr.P.C. (Amendment) Act, 2008, resulting into insertion of Section 2(wa) which defines a *victim'* and various other provisions (such as Section 24(8) and proviso to Section 372, etc.), thereby, giving statutory recognition to the rights evolved in favour of a *victim.*

Pertinently, a *victim* can no longer be relegated to the periphery or rendered a forgotten entity once the machinery of criminal law has been set into motion. The *terminus* of criminal justice system must transcend beyond the mere safeguarding of rights of an accused and must encompass the preservation and effective vindication of the rights of a victim. The law must adopt an *equipoise*

approach, harmoniously balancing the competing interests of the accused and the *victim*. It is a bounden duty of the courts of law to ensure that justice embraces the injured and afflicted. Jurisprudentially, the guarantee under Article 21 embraces both the life and liberty of the accused as well as interest of the *victim*, his near and dear ones as well as of the community at large and therefore cannot be alienated from each other with levity. As an age-old adage, which has met with approval by the Hon'ble Supreme Court, reads thus:

> ***"****We cannot remain oblivious to the substantial suffering of the victims. It stands as a fact that criminal justice reform and civil rights movement in India has historically only paid considerable attention to the rights of the accused and neglected to address to the same extent the impact of crime on the victims. It is not only the victims of crime only that require soothing balm, but also the incidental victims like the family, the co-sufferers and to a relatively larger extent the society too. The judiciary has a paramount duty to safeguard the rights of the victims as diligently as those of the perpetrators.****"***

With impunity, a further reference in this regard can be made to an observation made by J. F.M. Ibrahim Kalifulla, in a Five judge Bench *dicta* of the Hon'ble Supreme Court, which reads as under:

"….While considering the problem of penology we should not overlook the plight of victimology and the sufferings of the people who die, suffer or are maimed at the hands of criminals."

-(J. F.M. Ibrahim Kalifulla;
Vide (para 72) ***Union of India Vs.V. Sriharan @ Murugan &Ors., (2016) 7 SCC 1)***

13. Conceptually; *FIR-complainant/informant* is different from *victim,* though, in a given case, they may be same person. In a case pertaining to an offence, as a result whereof a death has occurred, it is the deceased who is the

real *victim*. In such a case, the surviving family members of the deceased including the spouse/parents/children/guardian/care-giver etc. *nay* the FIR-complainant/informant cannot adorn the mantle of primary *victim* for purpose of settlement/compromise. The jurisprudential foundation for quashing criminal proceedings on the basis of a compromise, rests upon the absence of grievance by the *victim*, against the accused. In offence under Section 304-A of the IPC/Section 106 of BNS involving death due to rash and negligent act/ driving, the primary *victim* is the deceased, whose demise is directly attributable to the accused's alleged rash and negligent act/ driving. The deceased, being the primary aggrieved party (i.e. the real *victim*), is no longer capable of expressing consent or grievance, rendering any compromise with the informant or complainant incongruous with this foundational principle. A settlement between the accused and the complainant, who merely initiated the criminal process, fails to satisfy the underlying rationale for such a quashing to succeed. It disregards the irreversible harm inflicted upon the deceased and the broader societal interest implicated in crime(s) of this gravity. Thus, permitting quashing in such instances undermines the rule of law and trivializes the serious nature of the offence, warranting judicial circumspection and restraint.

13.2. A pertinent issue which craves attention of this Court is the probable erosion of judicial integrity when criminal proceedings, particularly involving grave and serious offences (such as Section 304-A IPC/Section 106 BNS), are quashed solely on the basis of a compromise/settlement , having been arrived at between rival parties. This practice of entering into compromise, more often than not, involves pecuniary consideration; proferred as reparation or compensation to the *victim's* family; creates deeply deleterious impact on the

societal *psyche* that the criminal justice system is available for commodification. Such a scenario suggests that penal absolution is a purchasable commodity, thereby, implying that serious public wrongs, in which society as a whole has stakes, can be put to naught by the accused person's financial capacity. Such an outcome is antithetical to the Rule of Law, which demands that the severity of a crime and penal consequences must remain insulated from the private financial arrangements of the parties, thereby, maintaining public confidence in the impartiality and deterrent efficacy of the justice delivery system. The law, being a guarantor of equity and fairness, cannot afford to be subjugated to the influence of wealth, *lest it* compromise its sacrosanct essence and institutional integrity. The inherent powers of this Court, ought not be employed for *privatization of criminal liability*. An old age adage reads thus:

> **"***Why in history has everyone always focused on the guy with the big stick, the hero, the activist, to the neglect of the poor slob who is at the end of the stick, the victim, the passivist – or maybe, the poor slob (in bondages) isn't all that much of a passivist victim – maybe he asked for it?***"**

14. The Hon'ble Supreme Court in the case of ***Daxaben*** (supra) has held that an FIR/criminal proceedings *qua* an offence under Section 306 of the IPC cannot be quashed on the basis of compromise/settlement since such an offence falls in the category of heinous and serious offences and is to be treated as crime against the Society and not against an individual(s). To the same effect is the *dicta* of the Division Bench of this Court in ***Baldev Singh***'s case (supra) wherein; dealing with a FIR under Section 304-A of the IPC; this Court has held that there can be no quashing of an offence registered under Section 304-A of the IPC and subsequent proceedings emanating therefrom, solely on the basis of

a compromise arrived at between the legal heirs/representatives of the *victim* (deceased) and the accused. This Court must sound a word of caution herein, *viz.*, a plea for quashing an FIR under Section 304-A of the IPC/ Section 106 of the BNS, filed *solely* on the basis of merits thereof is very much maintainable and ought to be considered and ratiocinated upon merits thereof.

15. As a result of above-said rumination, it is clear *nay* crystal clear that an FIR (as also proceedings emanating therefrom) under Section 304-A of the IPC/Section 106 of the BNS cannot be quashed on the basis of a compromise/ settlement arrived at between the accused on one hand and FIR-complainant/informant/surviving family of the *victim* (including spouse/parents/children/guardian/care-giver etc.) on the other hand. Even if credence is sought to be lend to such a compromise/settlement, by way of raising plea(s) on merits, including the plea that the offence of Section 304-A of the IPC /Section 106 of the BNS is not made out in the facts/circumstances of a given case, still such petition ought to be rejected.

Analysis (*re* facts of the present case)

16. The petition in hand has been filed for quashing of FIR No.48 dated 09.06.2022, registered under Sections 304-A & 279 of the IPC, at Police Station Ajitwal, District Moga, as also the proceedings subsequent thereto, including the judgment of conviction dated 04.04.2024 (Annexure P-2) passed in case No.CHI/282/2022 titled "*State versus Satnam Singh*" by the learned JMIC, on the basis of a compromise deed dated 07.04.2024 which, in essence pertains to death of one Gurjit Singh. Learned counsel for the petitioner has argued that once the entire matter has been settled, there would be no fruitful purpose served by allowing the proceedings to continue. It has been argued that the compromise

in question is for betterment of all the concerned and hence it would met the ends of justice if the *impugned FIR* etc. are quashed. Indubitably, the *impugned FIR* pertains to the death of one Gurjit Singh, who, of-course, cannot possibly be a party to the compromise. In view of the discussion in law and facts hereinabove, petition in hand ought not to be entertained and deserves rejection.

Decision

17. It is thus, directed as follows:

(i) The petition in hand; seeking quashing of FIR No.48 dated 09.06.2022, registered under Sections 304-A & 279 of the IPC, at Police Station Ajitwal, District Moga, as also the proceedings subsequent thereto, including the judgment of conviction dated 04.04.2024 (Annexure P-2) passed in case No.CHI/282/2022 titled as "*State versus Satnam Singh*" by the learned JMIC, on the basis of a compromise deed dated 07.04.2024; is dismissed;

(ii) Any observations made and/or submissions noted hereinabove shall not have any effect on the merits of the case and the appellate Court shall proceed further, in accordance with law, without being influenced with the same;

(iii) No deposition as to costs;

(iv) Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

November 20, 2025
Mahavir/naveen

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No